

REMARKS

I. Status of the Application

Claims 1, 2, 4, 5, 7-9, 11, 12, 14 and 15 were pending in this application prior to the submission of this Amendment. With this Amendment, claims 1, 8 and 15 have been amended. Claims 4 and 11 have been canceled without prejudice or disclaimer. No new matter has been introduced.

II. Rejections Under 35 U.S.C. § 102(e) and § 103

Claims 1, 2, 5, 8, 9, 12 and 15 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,700,607 to Misawa (hereafter, "Misawa").

Claims 4, 7, 11, and 14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Misawa.

Applicant respectfully requests reconsideration of the pending claims in view of the amendments now presented herein. For example, independent claim 1 has been amended for further clarification to recite:

An image sensing apparatus, comprising:

an image sensor that outputs an image signal of a subject;

a display designating unit that determines whether an image display device is in an image display ON state, or said image display device is in an image display OFF state, said image display device displaying an image based on said image signal when said display device is in the image display ON state and said image display device not displaying an image when said display device is in the image display OFF state;

a first control unit that adjusts a focus according to a focus evaluation value based on a high frequency component of said image signal, and

a second control unit that changes reading manners of the image signal from said image sensor so that the image signal is read from a first image sensing area comprising a plurality of consecutive lines and including a focusing signed detecting area when said display designating unit determines that said image display device is in the image display OFF state and the image signal is read from a second image sensing area which is larger than said first image sensing area when said display designating unit determines that said image display device is in the image display ON state.

Applicant respectfully submits that Misawa does not teach or suggest at least “a second control unit that changes reading manners of the image signal from said image sensor so that the image signal is read from a first image sensing area comprising a plurality of consecutive lines and including a focusing signed detecting area when said display designating unit determines that said image display device is in the image display OFF state and the image signal is read from a second image sensing area which is larger than said first image sensing area when said display designating unit determines that said image display device is in the image display ON state” as required by at least amended claim 1. Independent claims 8 and 15 recite similar features to amended claim 1 as described herein.

In the image sensing apparatus as set forth in amended claim 1, when the image display is in the OFF state, the image signal is read from the first image sensing area that is smaller than the second image sensing area. Thus, since the reading of the image signal is limited in the display OFF state, processing burden is reduced and focus adjustment processing may be performed promptly. Therefore, shutter time lag can be shortened by reducing the focusing processing burden at the time of photographing which does not require displaying of an image.

Further, if an image signal is read via line-skipping in a focusing signed detecting area, a high frequency component of the image signal in the direction perpendicular to the line is not accurate. The first image sensing area described in at least claim 1 comprises a plurality of consecutive lines and includes the focusing signed detecting area. Therefore, accuracy of obtaining a focus evaluation value is improved.

The Office Action asserts that Misawa discloses that $1/4$ or $1/8$ of signals (via line-skipping) are read out in the normal-imaging mode, at least $1/2$ signals are read out in the macro-imaging mode, and that the image sensing area in the macro-imaging mode is always larger than the image sensing area of the normal-imaging mode. (Office Action, page 3)

However, Misawa does not teach or suggest that the first image sensing area includes the focusing signed detecting area as recited in at least amended claim 1. Furthermore, Misawa does not teach or suggest that the first image sensing area comprises a plurality of consecutive lines.

The Office Action further asserts that Misawa discloses that the CPU 48 determines whether or not the external display device is connected, and that the connecting state

and the disconnecting state correspond to the image display ON state and OFF state, respectively, as recited in amended claim 1. (Office Action, page 4)

However, amended claim 1 requires that the image display device display an image based on the image signal when the display device is in the image display ON state and that the image display device not display an image when the display device is in the image display OFF state.

Connecting the external display device to terminal 41, as disclosed by Misawa, does not necessarily anticipate that the external display device displays an image. Therefore, the “connecting” state and “disconnecting” state as taught by Misawa do not anticipate the image display ON state and the image display OFF state, respectively, as recited in at least amended claim 1.

Accordingly, each of claims 1, 8 and 15, as amended, is believed neither anticipated by nor rendered obvious in view of Misawa for at least the reasons discussed above.

Reconsideration and withdrawal of the rejections of claims 1, 8 and 15 under 35 U.S.C. §102(e) is respectfully requested.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. However, these statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art.

Applicant has not specifically addressed the rejections of the dependent claims because Applicant submits that the independent claims from which they respectively depend, either directly or indirectly, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims should such be necessary.

Applicant believes that the application as amended is in condition for allowance and such action is respectfully requested.

CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 1232-4714. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 1232-4714. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
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Dated: May 27, 2008

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